

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA, *

PLAINTIFF, *

V. * CASE NO.2:06CR148-WHA

BENJANIN L. VANBUREN, *

DEFENDANT. *

UNOPPOSED MOTION TO CONTINUE TRIAL

Comes now the defendant, by and through undersigned counsel, and submits the following:

1. The trial of this case is set for the term beginning March 12, 2007.

2. The defendant is charged with conspiracy to possess with intent to distribute methamphetamine, possession with intent to distribute same and use/carry of a firearm during a drug trafficking offense.

3. Undersigned counsel and the government have been in good faith negotiations to resolve this case without the necessity of a trial. There are some difficult issues that remain unresolved and need to be resolved before a decision regarding a final resolution of this case can be made. Other complications involved matters pending in another state and change of Government counsel.

4. There is also pending a ruling on a motion to

suppress. An evidentiary hearing was held on the motion to suppress on January 23, 2007. Counsel for defendant and the Government are in good faith negotiations to try to resolve this matter without the necessity of a ruling on the motion to suppress. In order to complete these negotiations it is necessary that the trial of this case be continued in order to give the parties sufficient time to complete matters that are the subject of negotiation.

5. Undersigned counsel has conferred with the Government regarding this request and the government does not oppose this motion for a continuance.

6. A waiver of speedy trial signed by defendant is attached to this motions as exhibit A.

Wherefore, because of the above reasons undersigned counsel requests that the trial in the above styled case be continue and reset for the June 2007 term, or for such other relief as the Court deems just.

Respectfully submitted this 30th day of January, 2007.

s/Jeffery C. Duffey
JEFFERY C. DUFFEY
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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of January, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Steve Feaga/Louis Franklin, AUSA, P.O. Box 197, Montgomery, AL 36101.

s /Jeffery C. Duffey
JEFFERY C. DUFFEY
Attorney for
Defendant Van Buren